



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

In Re
Bofi Holding, Inc. Shareholder Litigation

Andrew Calcaterra, Laborers Pension

Plaintiff,

V.

Gregory Garrabrants; Andrew J.
Micheletti; Theodore C. Allrich;
Nicholas A. Mosich; James S. Argalas;
John Gary Burke; Paul J. Grinberg;

Defendant.

Civil Action No. 15-cv-2722-GPC-KSC

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

the Court GRANTS Defendants' motion to dismiss under Rules 23.1 and 12(b)(6) of the Federal Rules of Civil Procedure. The SAC is the plaintiff's third pleading attempt. In these papers, Plaintiff fails to identify credible reasons to forgo a renewed demand futility analysis. Plaintiff also neglects to substantiate a plausible claim for relief. Despite the Court's instruction that the Plaintiff's SAC must be limited only to the claims that led to the internal investigation, Plaintiff continues to rely substantially on irrelevant facts that are pertinent only to claims that this Court dismissed as unripe. And finally, Plaintiff's assertion that leave to amend is warranted due to his ability to obtain additional corporate records through a stockholder inspection demand is unconvincing in light of his inaction in two years to challenge the completeness of Bofi's production. Accordingly, this motion to dismiss is GRANTED WITH PREJUDICE.

Date: 5/23/19

CLERK OF COURT

JOHN MORRILL, Clerk of Court

By: s/ D. Gilbert

D. Gilbert, Deputy

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

Civil Action No. 15-cv-2722-GPC-KSC

Trust Fund of Northern Nevada; Zhang Yong; Robylee Doherty; David Deyoung;
(Plaintiffs)

v.

James J. Court; Edward J. Ratnoff; Eshel Bar-Adon; John C. Tolla; Uzair Dada; BofI Holding, Inc. (a
Delaware corporation); Derrick K. Walsh; BofI Holding, Inc. (Nominal Defendant)
(Defendants)